



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Departmental Appeals Board
Appellate Division, MS 6127
Room G-644, Cohen Building
330 Independence Avenue, SW
Washington, D.C. 20201

VIA E-FILING

Joseph Leyva
Respiratory and Medical Services, Inc.
P.O. Box 110963
Anchorage, Alaska 99511-0963

and

Kristen Schwendinger, Esq.
Associate Counsel
Office of Counsel to the Inspector General
Room 5527, Cohen Building
330 Independence Avenue, S.W.
Washington, D.C. 20201

Re: Joseph L. Leyva and Respiratory and Medical Services, Inc. d/b/a RAMS Medical v.
Inspector General
DAB CR2563
App. Div. Docket No. A-12-111
Decision No. 2472
Date: August 20, 2012

DETERMINATION TO DECLINE REVIEW

Mr. Leyva and Ms. Schwendinger:

After reviewing the record to evaluate the issues presented by the exceptions, we have determined that we need not render a separate decision. We therefore decline review of and summarily affirm the administrative law judge's decision identified above.

Thus, the administrative law judge's decision becomes final and binding 60 days from the date of service of this letter. See 42 C.F.R. § 1005.21(j).

Judicial review is available in an appropriate United States district court if a civil action is filed within 60 days after service of this decision. See sections 1128(f)(1) and 205(g) of the Social Security Act and 42 C.F.R. § 1005.21(k)(1).

In his appellate brief, Mr. Leyva requested that “all original documents” filed while the case was pending in the Civil Remedies Division be returned to him via certified mail. We cannot return the original documents because they are part of the official record. We caution Mr. Leyva that in the future he should retain copies of any documents he submits to an agency, board, or court. However, Mr. Leyva is now registered as a user on DAB E-File, so he can access the record electronically. If he opens the appellate docket page for the case in E-File, he can access the documents submitted to the administrative law judge by clicking on the hyperlink labeled “C-12-538” to the right of “Originating Docket Number” in the shaded box towards the top of the page.

/s/
Judith A. Ballard

/s/
Leslie A. Sussan

/s/
Sheila Ann Hegy
Presiding Board Member

cc: Civil Remedies Division

Robert K. DeConti, OCIG
Robin Schneider, OCIG
Susan Earp, OCIG